

**From:** [Nickel, Brian](#)  
**To:** [Blythe Monoian](#)  
**Cc:** [Dusablon, Lucas](#); [elizabeth\\_sanchez@yakama.com](mailto:elizabeth_sanchez@yakama.com); [Wil Badonie](#)  
**Subject:** RE: Early Notification of EPA's Plans to Reissue a NPDES Permit for Washington Beef, LLC (Permit No. WA0020202)  
**Date:** Friday, December 16, 2022 5:19:00 PM  
**Attachments:** [WA0050202\\_WA\\_Beef\\_2022\\_Draft\\_BE\\_2022-10-31.pdf](#)

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Blythe:

I think the permit, which includes water quality-based effluent limits based on Washington's water quality standards, will be protective of sensitive species.

The attached draft biological evaluation evaluates the effect of the permit on Middle Columbia River steelhead (bull trout are present in the watershed but not the specific receiving waters) and concludes that the permit is not likely to adversely affect that species (i.e., it may affect them, but we concluded the effects will be insignificant). However, it is possible that NOAA Fisheries could disagree with this finding.

Regarding sensitive plants, by default, Washington's water quality standards protect waters for agricultural water supply as well as stock watering. In general, the criteria applied in the permit are for aquatic life, recreation, aesthetics, or domestic water supply uses, because those uses are more sensitive than agricultural uses for the pollutants of concern. However, the EPA-recommended criterion for total dissolved solids of 500 mg/L, which we applied in this permit, is the recommended criterion for both irrigation of sensitive crops and for domestic water supply (it is one of the EPA secondary drinking water standards).

For aquatic life, the analysis in the fact sheet considered ammonia, chlorine, dissolved oxygen, pH, temperature, turbidity, and whole effluent toxicity. The permit contains limits for all of these, for at least one outfall and for at least part of the year. If there is no limit, this means that the effluent guidelines don't include limits, and there is no reasonable potential to exceed criteria, meaning that even if a maximum discharge coincides with a low stream flow, water quality criteria would not be violated.

The whole effluent toxicity testing provisions in the permit require the use of three species: A fish (fathead minnow), an invertebrate (water flea), and a plant (green algae). Whole effluent toxicity testing with three different species representing different phyla will ensure that, even though we may not be aware of every potential toxicant in the discharge, the discharge will not cause toxicity in the receiving water, after mixing with 25% of the 7-day, 10-year low stream flow.

All that said, I'm happy to discuss any concerns about limits or analyses. We have some discretion in permitting decisions, particularly in whether and how we consider mixing.

I'm going to set up a meeting with the permittee to discuss compliance schedules, most likely after the new year.

Thanks,

Brian Nickel, E.I.T.

Environmental Engineer

US EPA Region 10 | Water Division | NPDES Permits Section

Voice: 206-553-6251 | Toll Free: 800-424-4372 ext. 6251 | Fax: 206-553-1280

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<https://www.epa.gov/npdes-permits/about-region-10s-npdes-permit-program>

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**From:** Blythe Monoian <Blythe\_Monoian@Yakama.com>

**Sent:** Friday, December 16, 2022 3:35 PM

**To:** Nickel, Brian <Nickel.Brian@epa.gov>

**Cc:** Dusablon, Lucas <dusablon.lucas@epa.gov>; elizabeth\_sanche@yakama.com; Wil Badonie <Wil\_Badonie@Yakama.com>

**Subject:** Re: Early Notification of EPA's Plans to Reissue a NPDES Permit for Washington Beef, LLC (Permit No. WA0020202)

Hello Brian,

Thank you for the call today, sorry I have been delayed in getting back to you; I was waiting on information from others. The only issue that was voiced was that at some point Wanity Slough might be reconnected to Toppenish Creek, but I have not been informed on the timeline for this or the location. From my knowledge Toppenish Creek is home to several sensitive species, lamprey, steelhead, salmon, and the waptu (something like a potato that grows in wetlands and is a recently reclaimed traditional food). We expect that limits in this permit will take into consideration these sensitive species. When we spoke and in your email you identified that the fish, lamprey, and habitat would already be considered. I also mentioned that if this project were to happen in the near future it would likely be accompanied by monitoring activities, and if we are aware of this NPDES permit, changes should be able to be made if we find a significant impact. I will reach out again to the staff that voiced the concerns regarding Toppenish Creek and see if they would also like to be involved or if they have specific limits that they would like to see. Regarding discharge data from Wanity Slough, I am not sure of flow changes over recent years, or who might be gathering that data, but if I become aware of anything I will let you and EPA know.

Yes, I believe we should continue to stay involved on the compliance schedule discussions, we may decide later that we do not need to attend, but we would like to stay informed when these meetings are happening and if any changes are made. Thank you for your work on this and staying on top of things. I hate to hold anything up, especially in regard to keeping the permittee in compliance. I have reviewed everything to the best of my ability, and I am working under the assumption that as we communicate needs and sensitive species, etc., that your technical knowledge with writing these permits will reflect the picture we have drawn. I do not know what benefit there will be if I review any further so let's keep things moving.

Thanks again,

**Blythe Monoian**

Water Quality Scientist | YN Environmental Management

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**From:** Nickel, Brian <[Nickel.Brian@epa.gov](mailto:Nickel.Brian@epa.gov)>

**Sent:** Friday, December 9, 2022 5:15:34 PM

**To:** Blythe Monoian

**Cc:** Dusablon, Lucas; Elizabeth Sanchez; Wil Badonie

**Subject:** RE: Early Notification of EPA's Plans to Reissue a NPDES Permit for Washington Beef, LLC (Permit No. WA0020202)

Blythe:

I touched on this in my last email, but I would like to disclose the new limits to the permittee so that we can discuss compliance schedules with them. The compliance schedules in the preliminary draft permit are very general and, if possible, we should really refine them so that they have specific interim milestones, as described in 40 CFR 122.47(a)(3). We also want to make sure the compliance schedule requires compliance as soon as possible (40 CFR 122.47(a)(1)). For both issues, the permittee's informed input is necessary.

Based on your review of the permit, are you ready to have that discussion with the permittee, or do you need more time to review the permit and resolve concerns with it before we do that? I'm assuming you want to be included in those compliance schedule discussions, correct?

Thanks,

Brian Nickel, E.I.T.

Environmental Engineer

US EPA Region 10 | Water Division | NPDES Permits Section

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<https://www.epa.gov/npdes-permits/about-region-10s-npdes-permit-program>

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**From:** Nickel, Brian

**Sent:** Wednesday, December 7, 2022 4:07 PM

**To:** Blythe Monoian <[Blythe\\_Monoian@Yakama.com](mailto:Blythe_Monoian@Yakama.com)>

**Cc:** Dusablon, Lucas <[dusablon.lucas@epa.gov](mailto:dusablon.lucas@epa.gov)>; [elizabeth\\_sanchez@yakama.com](mailto:elizabeth_sanchez@yakama.com); Wil Badonie <[Wil\\_Badonie@Yakama.com](mailto:Wil_Badonie@Yakama.com)>

**Subject:** RE: Early Notification of EPA's Plans to Reissue a NPDES Permit for Washington Beef, LLC (Permit No. WA0020202)

Blythe:

We consider both receiving waters (Wanity Slough and Spencer Lateral) to be WOTUS. The fact sheet discusses the WOTUS status of the receiving waters on Page 11.

We are applying Washington's water quality standards to this permit, including their default use designations, which include the uses of: salmonid spawning, rearing, and migration; primary contact recreation; domestic, industrial, and agricultural water supply; stock watering; wildlife habitat; harvesting; commerce and navigation; boating; and aesthetic values. For the purpose of this permit, both receiving waters are protected for those uses. The only differences in the water quality criteria we've applied to Spencer Lateral relative to Wanity Slough are in how we interpret narrative water quality criteria, and the water chemistry and physical data we use to calculate equation-based criteria (e.g., for ammonia) and the natural condition provision for temperature.

I couldn't find recent flow data for Wanity Slough. The fact sheet describes the historical data that I used on page 15 and in Tables 67 and 68. Critical low flow statistics were calculated on a year-round basis and thus should be protective of the stream year-round, unless current flows are significantly lower overall than they were historically. If you are aware of additional and/or more recent flow data for Wanity Slough, I would be happy to incorporate it into my calculations of critical stream flow statistics.

Personally, I like the idea of wastewater reuse and I think it could be a good fit for Washington Beef. However, EPA doesn't regulate water reuse, so the preliminary draft permit doesn't address it. The preliminary draft permit includes new and more stringent effluent limits that we believe are necessary to protect water quality. The permittee may decide wastewater reuse is a good way for them to achieve compliance with those limits, but we can't dictate their methods of achieving compliance with the permit. We can discuss the possibility of reuse with the permittee in the context of compliance schedules for new limits that they can't comply with immediately.

Thank you,

Brian Nickel, E.I.T.

Environmental Engineer

US EPA Region 10 | Water Division | NPDES Permits Section

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**From:** Blythe Monoian <[Blythe\\_Monoian@Yakama.com](mailto:Blythe_Monoian@Yakama.com)>

**Sent:** Wednesday, December 7, 2022 3:26 PM

**To:** Nickel, Brian <[Nickel.Brian@epa.gov](mailto:Nickel.Brian@epa.gov)>

**Cc:** Dusablon, Lucas <[dusablon.lucas@epa.gov](mailto:dusablon.lucas@epa.gov)>; [elizabeth\\_sanchez@yakama.com](mailto:elizabeth_sanchez@yakama.com); Wil Badonie <[Wil\\_Badonie@Yakama.com](mailto:Wil_Badonie@Yakama.com)>

**Subject:** Re: Early Notification of EPA's Plans to Reissue a NPDES Permit for Washington Beef, LLC (Permit No. WA0020202)

Hello Brian,

My apologies for the delayed response; we had some other things that took priority this month.

I have reviewed the permits to the best of my ability. The other feedback I received from other YN programs was concerns regarding discharge to Wanity Slough. I can't remember if it was mentioned during the meeting but Wanity Slough is fish-bearing and should be considered WOTUS by both older, old, and new standards, so it appears based on the mention of fish and algae in the permit that this is being taken into consideration. Please also note the significantly lower flow of Wanity Slough during winter months.

Was there any updates regarding water recycling at WA Beef to offset their discharge potential? Was this going to be mentioned in the NPDES?

I can understand how that might not fit into this though, and we are more concerned about limits.

Thanks,

**Blythe Monoian**

Water Quality Scientist | YN Environmental Management

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**From:** Nickel, Brian <[Nickel.Brian@epa.gov](mailto:Nickel.Brian@epa.gov)>

**Sent:** Thursday, December 1, 2022 12:31:22 PM

**To:** Blythe Monoian

**Cc:** Dusablon, Lucas

**Subject:** RE: Early Notification of EPA's Plans to Reissue a NPDES Permit for Washington Beef, LLC (Permit No. WA0020202)

Dear Ms. Monoian:

It has been about a month since I sent the preliminary draft permit for Washington Beef to you.

Have you had a chance to review the preliminary draft permit and draft fact sheet, and, if so, do you have any questions, comments, or concerns?

Thank you,

Brian Nickel, E.I.T.

Environmental Engineer

US EPA Region 10 | Water Division | NPDES Permits Section

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**From:** Nickel, Brian

**Sent:** Friday, October 28, 2022 4:55 PM

**To:** Blythe Monoian <[blythe\\_monoian@yakama.com](mailto:blythe_monoian@yakama.com)>

**Cc:** DuSablon, Lucas <[dusablon.lucas@epa.gov](mailto:dusablon.lucas@epa.gov)>

**Subject:** Early Notification of EPA's Plans to Reissue a NPDES Permit for Washington Beef, LLC  
(Permit No. WA0020202)

Dear Ms. Monoian:

Please find the attached letter transmitting a preliminary draft National Pollutant Discharge Elimination System (NPDES) permit and draft fact sheet for Washington Beef for your review.

Please feel free to contact me if you have any questions or concerns.

Thank you,

Brian Nickel, E.I.T.

Environmental Engineer

US EPA Region 10 | Water Division | NPDES Permits Section

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